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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,311	07/11/2001	Kemal Guler	10014420	2098

7590 04/28/2004  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/904,311

Applicant(s)

GULER ET AL.

Examiner

Alain L. Bashore

Art Unit

3624

ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2-17-04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-6, 8, 11-14, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansal et al in view of Grey et al in further view of Hogg et al.

Bansal et al discloses a method for determining risk attitudes for bidders. Auction data is analyzed of previously conducted auctions and risk attitudes for bidders is determined (para 0148, 0149, 0123). Additional auctions may be conducted (para 0151).

Bansal et al does not disclose:

performing analysis of auction data, the analysis comprising accumulating the auction data into sets as a function of auction type, the type defined as being utility-dependant (i.e. English) and utility-independent (i.e. Dutch).

determining private information for the bidders submitted in a utility-independent auction;

conducting further auctions to determine sufficient private information to determine risk from utility-dependant auctions;

a table indicating joint distribution of the private information.

Grey et al discloses performing analysis of auction data, the analysis comprising accumulating the auction data as a function of auction type, the type defined as being utility-dependant and utility-independent (para 0053).

It would have been obvious to one with ordinary skill in the art to include performing analysis of auction data, the analysis comprising accumulating the auction data as a function of auction type, the type defined as being utility-dependant and utility-independent because Grey et al teaches the importance of auction parameter analysis in the conduct of an auction (para 0008).

Hogg et al discloses determining private information for the bidders (para 0022), conducting further auctions to determine sufficient private information (para 0024), and a table (fig 3).

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It would have been obvious to one with ordinary skill in the art to modify Bansal et al to include determining private information for the bidders submitted in a utility-independent auction because Hogg et al teaches that important information may be gathered from such information in any auction (para 0005).

It would have been obvious to one with ordinary skill in the art to modify Bansal et al to include conducting further auctions to determine sufficient private information because Hogg et al teaches variability in information needed (para 0024).

It would have been obvious to one with ordinary skill in the art to modify Bansal et al to include a table indicating joint distribution of the private information because Hogg et al discloses comparisons for description purposes (para 0022).

The references do not explicitly showing the auction data being accumulated "into sets".

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowery*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to one of ordinary skill in the art to include auction data accumulated into sets, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentability distinguish the claimed invention.

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3. Claims 4, 7, 9-10, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansal et al in view of Grey et al in further view of Hogg et al as applied to claims 1-3, 5-6, 8, 11-14, 16-19 above, and further in view of Kinney, Jr et al.

Bansal et al in view of Hogg et al does not disclose generating a graph.

Kinney, Jr et al discloses generating a graph (fig 6).

It would have been obvious to one with ordinary skill in the art to include generating a graph to Bansal et al in view of Hogg et al because Kinney Jr et al discloses graphical representations to show trends (col 9, lines 29-32).

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansal et al in view of Grey et al in further view of Hogg et al as applied to claims 1-3, 5-6, 8, 11-14, 16-19 above, and further in view of Takriti et al.

Bansal et al in view of Hogg et al does not disclose the techniques/method recited in claims 9-10.

Takriti et al discloses statistical estimation technique (col 9, lines 29-67; col 10, lines 1-30).

It would have been obvious to one with ordinary skill in the art to include the technique and method of claims 9-10 for statistical analysis purposes.

***Response to Arguments***

5. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alain L. Bashore